

## Environmental Protection Agency

## § 89.604

time of importation) or release to the owner (for a nonroad engine not owned by the ICI at the time of importation) of the nonroad engine by the ICI after modification and/or testing pursuant to § 89.605 or § 89.609.

*Working day.* Any day on which federal government offices are open for normal business. Saturdays, Sundays, and official federal holidays are not working days.

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56996, 57021, Oct. 23, 1998]

### § 89.603 General requirements for importation of nonconforming nonroad engines.

(a) A nonconforming nonroad engine offered for importation into the United States is to be imported only by an Independent Commercial Importer (ICI) who is a holder of a currently valid certificate of conformity unless an exemption or exclusion is granted by the Administrator under § 89.611 of this subpart. For a nonroad engine imported pursuant to § 89.605, the ICI must hold a currently valid certificate of conformity for that specific nonroad engine model.

(b) Any nonroad engine imported into the United States must have a legible unique engine identification number permanently affixed to or engraved on the engine.

(c) Final admission may not be granted unless:

(1) The nonroad engine is covered by a certificate of conformity issued under subpart B of this part in the name of the ICI and the ICI has complied with all requirements of § 89.605; or

(2) The nonroad engine is modified and emission tested in accordance with the provisions of § 89.609 and the ICI has complied with all other requirements of § 89.609; or

(3) The nonroad engine is exempted or excluded under § 89.611.

(d) The ICI must submit to the Engine Programs and Compliance Division of EPA a copy of all approved applications for certification used to obtain certificates of conformity for the purpose of importing nonconforming nonroad engines pursuant to § 89.605 or § 89.609. In addition, the ICI must submit to the Engine Programs and Com-

pliance Division a copy of all approved production changes implemented pursuant to § 89.605 or subpart B of this part. Documentation submitted pursuant to this paragraph (d) must be provided to the Engine Programs and Compliance Division within 10 working days of approval of the certification application (or production change) by EPA.

[59 FR 31335, June 17, 1994. Redesignated and amended at 63 FR 56996, 57021, Oct. 23, 1998]

### § 89.604 Conditional admission.

(a) A nonroad engine offered for importation under § 89.605 or § 89.609 may be conditionally admitted into the United States. These engines are refused final admission, unless at the time of conditional admission the importer has submitted to the Administrator a written report that the subject nonroad engine has been permitted conditional admission pending EPA approval of its application for final admission under § 89.605 or § 89.609. This written report is to contain the following:

(1) Identification of the importer of the nonroad engine and the importer's address, telephone number, and taxpayer identification number;

(2) Identification of the nonroad engine owner, the owner's address, telephone number, and taxpayer identification number;

(3) Identification of the nonroad engine including make, model, identification number, and original production year;

(4) Information indicating under what provision of these regulations the nonroad engine is to be imported;

(5) Identification of the place where the subject nonroad engine is to be stored until EPA approval of the importer's application to the Administrator for final admission;

(6) Authorization for EPA enforcement officers to conduct inspections or testing otherwise permitted by the Act or regulations thereunder;

(7) Identification of the Independent Commercial Importer's (ICI) certificate of conformity that permits the ICI to import that nonroad engine (for importation under § 89.605 or § 89.609); and